

REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 3, 5-7, 10-14, 20 and 21 were finally rejected. The claims were rejected under Section 102(e) over *Wessel*.

Claim amendments proposed herein correct for typographical errors and otherwise place the claims in better form for consideration on appeal. The proposed amendments do not affect the substance of the claim recitations, and the rejection of the claims is respectfully traversed for the reasons set forth below.

The Applicant traverses the Examiner's reliance upon *Wessel* for disclosing an apparatus or method as recited in independent claims 1, 13, and 21.

With respect to exemplary claim 1, *Wessel* fails to disclose a distortion estimator that estimates an indicia of distortion that is at least related to a normalized, standard deviation of differences determined between values of symbols, prior to amplification by the amplifier and subsequent to amplification by the amplifier. The section of *Wessel*, upon which the Examiner relies, column 6, lines 63-67, fails to disclose such structure or operation of an estimator, as presently recited. *Wessel* states that, "The error detection subsystem 60 requires as inputs a sample 42 of the input signal 10 and a sample 54 of the output signal 28, normalized to the same signal level and aligned in time. Output sample 54 is normalized to the same level as 42 by attenuating the coupled output of coupler 26 in attenuator 52..."

That is to say, the signals generated on the lines 42 and 54 that form inputs to the gain and phase error detector 60 are normalized to be of common signal levels.

In contrast, the rest of claim recites that the indicia of distortion estimated by the estimator is related to a normalized, standard deviation of differences. Independent claims 13 and 21 are analogously distinguishable over *Wessel* for the same reason.

Additionally, with respect to exemplary claim 1, *Wessel* also fails to disclose a phase rotator that rotates a phase component of the send signal as recited now in the claim. The rotation of the phase component is responsive to a characterization of an AM-to-PM response of the amplifier that defines a phase distortion of the characteristic of the send signal. The phase distortion characteristic is responsive to an input power level of the send signal and of a

substantially constant level when the input power level of the send signal is less than a first threshold.

While the Examiner relies upon several different sections of *Wessel* for disclosing a phase distortion characteristic, responsive to which the rotation is performed, that is of a substantially constant level, when the input power level of the send signal is less than a first threshold. Column 10, line 48 – column 11, line 30 describes a phase correction, and there is no disclosure of a phase distortion characteristic of a substantially constant level, as recited in claim 1.

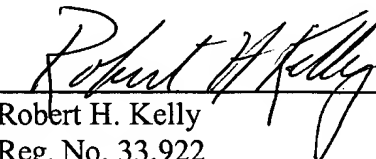
In contrast, claim 1 explicitly recites that the phase distortion characteristic is of a substantially constant level when the input power of the send signal is less than a first threshold. Figure 3A and its corresponding description describe exemplary such operation of the present invention. Independent claims 13 and 21 are distinguishable for analogous reasons.

Because the remaining ones of the dependent claims include all of the limitations of their respective parent claims, the dependent claims are believed to be patentably distinguishable for the same reasons as those given with respect to their parent claims.

In light of the foregoing, reexamination and reconsideration for allowance of independent claims 1, 13, and 21, and the dependent claims dependent thereon is respectfully requested. In the alternative, entry of the proposed amendments is respectfully requested to place the claims in better form for consideration on appeal. Such early action is earnestly solicited.

Respectfully submitted,

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